UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,891	08/21/2000	Jeffry Jovan Philyaw	PHLY-25,338	8887

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EXAMINER
KANG, PAUL H

ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/642,891	PHILYAW, JEFFRY JOVAN
	Examiner	Art Unit	
	Paul H. Kang	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 13-24 have been cancelled. Claims 1-12 are now pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-12 filed February 13, 2006 have been

considered but are moot in view of the new ground(s) of rejection. In regards to the rejection

under 35 U.S.C. 103(a) over Parry in view of Janning, the new grounds of rejection teaches all

features of the invention as claimed. Applicants pointed out that in the previous rejection the

examiner relied on citations of Borecki in applying the Parry reference. This was an inadvertent

typographical error. Accordingly, this rejection has been withdrawn to clarify the record.

3.   In regards to the rejection under 35 U.S.C. 103(a) over Perkowski in view of Borecki,

applicant's arguments have been fully considered but they are not persuasive. Applicants argue in

substance that "the coded information that is extracted from the MRC in Applicant's claimed

invention is 'associated with routing information that is associated with both the personal

account information of the user and a specific and unique credit card company server having

stored thereat the personal account information of the user...Perkowski merely provides a

translation database that provides the relationship between an arbitrary code and a location on the

network. This location on the network is for the purpose of obtaining information about the

product code. In Perkowski, the user enters the network address of the location of the

intermediate database. By comparison, the Borecki reference requires the user to access the

credit card server or the secure server by actively going in and accessing the Internet prior to

entering any user ID or password. Once access is granted to that network, the user enters the

information...Therefore, this MRC has two purposes, one for being associated with a secure server and one for being associated with personal account information. There is no suggestion in Perkowski that a single MRC that is associated with a credit card and a user be utilized to perform the steps set forth in Borecki." See Remarks, page 9.

"The Perkowski reference is merely utilized for obtaining information about a product utilizing that product code. The product code is specifically associated with that product and the product code is utilized to obtain information in Perkowski after accessing a particular web site. There is nothing in the code that would return the location of a particular web site that would have an association with personal account information in addition to transmission of that code to the access location for the purpose of then using that code to obtain personal account information." See Remarks, pages 9-10.

4.   The examiner respectfully disagrees. The references as applied teach each and every limitation of the claimed invention. The Perkowski reference teaches a system for accessing information related to a code. Upon scanning the code, a web address associated with that code is determined. Thereafter, the code is transmitted to the web address to obtain information related to the code. What Perkowski lacks is application of the system to a credit card based system. Borecki teaches a network based system for retrieving personal account information. The distinction made by applicants that the MRC as required by the prior art requires two purposes, one for being associated with a secure server and one for being associated with personal account information is not persuasive. The claim language does not preclude an MRC having both account identifying information as well as authentication information. Furthermore, the artisan of ordinary skill in the art having the system of Perkowski for remotely and automatically retrieving

information related to a coded information would know, when applying the system to a credit

card based information retrieval system, to incorporate into the MRC the necessary identifying

and authenticating information, if required, in order to retrieve that data.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Borecki et al., US Pat. App. No. US 2002/0016749 A1, in view of Perkowski., US Pat. No.

6,064,979.

7.   As to claim 1, Borecki teaches the invention substantially as claimed. Borecki teaches a

system and method of accessing personal account information of a credit card associated with a

user over a global communication packet-switched network, comprising the steps of:

connecting a user location to the specific and unique credit card company server across

the network in accordance with a known URL (Borecki, Figure 2A and page 2, paragraph 0034-

0035);

transmitting the account information to the specific and unique credit card company

server over the network (Borecki, Figure 2A and page 2, paragraph 0034-0035 and page 3,

paragraph 0039);

using customer account information at the specific and unique credit card company server

to determine the personal account information associated with the customer account information

from the credit card company server, to the user location (Borecki, page 3, paragraph 0040); and

presenting the information to the user at the user location (Borecki, page 2, paragraph

0034-0035 and page 3, paragraph 0040).

However, Borecki does not explicitly teach automating the steps of accessing said credit

card company server. Specifically, Borecki does not explicitly teach:

at a user location disposed on the network, resolving a machine-resolvable code (MRC)

having coded information contained therein and disposed on the credit card of the user, the coded

information having no personal information contained therein relating to the user or routing

information over a network;

extracting coded information from the MRC, the coded information associated with

routing information that is associated with both the personal account information of the user and

a credit card company server;

in response to the steps of resolving and extracting, obtaining the routing information to

the credit card server associated with the extracted coded information;

connecting the user location to the credit card company server across the network over a

determined route in accordance with the routing information.

In the same field of endeavor, Perkowski teaches a system and method for automatically

retrieving information related to a commercial product by scanning an MRC, the coded

information having no personal information contained therein relating to the user or routing

information over a network (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col.

19, lines 38-40).

Perkowski teaches at a user location disposed on the network, reading a machine-

resolvable code (MRC) disposed on a commercial product of a user with a reading device

(Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 38-40);

extracting coded information from the MRC, the coded information associated with

routing information that corresponds to the commercial product information stored on a company

server disposed on the network (Perkowski, col. 19, lines 12-55);

in response to the steps of reading and extracting, obtaining the routing information

associated with the extracted coded information (Perkowski, col. 19, lines 12-55);

connecting the user location to the company server across the network over a determined

route in accordance with the routing information (Perkowski, col. 19, lines 12-55).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have incorporated the automated data entry and data locating system, as

taught by Perkowski, into the credit card account information retrieval system of Borecki, for the

purpose of enhancing the user friendliness of the system by automating manual data entry and

automatically retrieving credit card information.

8.   As to claims 2-5, and 8, Borecki-Perkowski teach the system wherein the MRC is an

optical indicia, a barcode, wherein the optical indicia is used to extract the corresponding routing

information and personal identification information, wherein a unique code is transmitted to a

remote intermediate location, and returning a matched remote location information to the user

(Borecki, Figure 2A and page 2, paragraph 0034-0035 and Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26; and col. 19, lines 12-55).

9.   As to claim 7, Borecki-Perkowski teach the use of a computer display at the user location (Borecki, page 2, paragraph 0034-0035 and page 3, paragraph 0040).

10.   As to claims 9 and 11, Borecki-Perkowski teach a method for accessing personal information from a remote location on a network, as applied to claim 1 above, comprising the steps of:

reading at a user location on the network a unique information access code disposed on a portable access device that is carried by a user, which unique information access code is associated with routing information on the network to the remote location and also with personal information at the remote location of a user that is associated with the portable access device (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

accessing the remote location in accordance with the routing information (Perkowski, col. 19, lines 12-55);

transmitting to the remote location the unique information access code (Borecki, Figure 2A and page 2, paragraph 0034-0035 and page 3, paragraph 0039); and

at the remote location, receiving the unique information access code and accessing personal information associated therewith and forwarding the personal information back to the user location for viewing by the user (Borecki, Figure 2A and page 2, paragraph 0034-0035 and page 3, paragraph 0039);, the step of forwarding comprising:

sending from the remote location a request for personal identification after determining

that there is contained in the database local to the remote location personal information

associated with the unique information access code (Borecki, paragraphs 0034-0035),

entering the personal identification information at the user location (Borecki, paragraphs

0034-0035 and 0039-0040); and

in response to input of a personal identification information by the user, returning the

personal information to the user location (Borecki, paragraphs 0039-0040).

11.   As to claim 10, Borecki-Perkowski teach the method wherein the network is a global

communication network (Borecki, page 2, paragraph 0031).

12.   As to claim 12, Borecki-Perkowski teach the method wherein the step of accessing

comprises the steps of:

in response to the step of reading, accessing an intermediate location on the network

remote from the user location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and

col. 19, lines 12-55);

transmitting the unique information access code to the intermediate location from the user

location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

the intermediate having contained thereat a database with associations between a plurality

of unique information access codes and remote locations on the network (Perkowski, col. 3, line

63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

comparing the received unique personal access code with the stored personal access code

(Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

if a match is found, returning the matched remote location information to the user

location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 12-55);

and

utilizing the returned remote location information from the intermediate location to

access the remote location (Perkowski, col. 3, line 63 – col. 4, line 4; col. 5, lines 19-26 and col.

19, lines 12-55).

13.   **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borecki-**

Perkowski, as applied above, further in view of Brook et al., US Pat. No. 6,170, 746 B1.

14.   As to claim 6, Borecki-Perkowski teach the invention substantially as claimed. However,

Borecki-Perkowski does not explicitly teach a wireless scanner. In the same field of endeavor,

Brook teaches a wireless barcode scanner (Brook, figure 1 and col. 3, line 6 – col. 4, line 41). It

would have been obvious to one having ordinary skill in the art at the time the invention was

made to have incorporated the wireless barcode scanner, as taught by Brook, into the system of

Borecki-Perkowski, for the purpose of increasing user convenience and mobility.

15.   **Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Perkowski, US Pat. No. 6,064,979, in view of Janning et al., US Pat. No. 6,446,049 B1.

16.   As to claims 1 and 9, Perkowski teaches the invention substantially as claimed.

Perkowski teaches a system and method of accessing information associated with a user over a

global communication packet-switched network, comprising the steps of:

at a user location disposed on the network, resolving a machine-resolvable code (MRC)

having coded information contained therein and disposed on an object, the coded information

having no personal information contained therein relating to the user (Perkowski, col. 3, line 63 –

col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 38-40);

extracting coded information from the MRC, the coded information associated with

routing information that is associated with both the personal information of the user and a

company server (Perkowski, col. 19, lines 12-55);

in response to the steps of resolving and extracting, obtaining the routing information to

the server associated with the extracted coded information (Perkowski, col. 19, lines 12-55);

connecting the user location to the company server across the network over a determined

route in accordance with the routing information such as a known URL (Perkowski, col. 19, lines

12-55);

transmitting the information to the specific and unique company server over the network

(Perkowski, col. 19, lines 12-55);

using the information at the specific and unique company server to determine the

information associated with the customer information from the company server, to the user

location (Perkowski, col. 3, line 63 – col. 4, line 4; and col. 19, lines 38-40); and

presenting the information to the user at the user location (Perkowski, col. 3, line 63 –

col. 4, line 4; col. 5, lines 19-26 and col. 19, lines 38-40).

However, Perkowski does not explicitly teach the information is credit card information and personal information is credit card related information. In the same field of endeavor, Janning teaches a system and method for accessing user credit card related information, such information having no personal information contained therein relating to the user, and using this information to access user's personal credit card account online (See Janning, Abstract and col. 28, line 1 – col. 29, line 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the credit card access system of Janning into the automated information access system of Perkowski for the purpose of easily and efficiently obtaining user's credit information while maintaining anonymity as well as convenience.
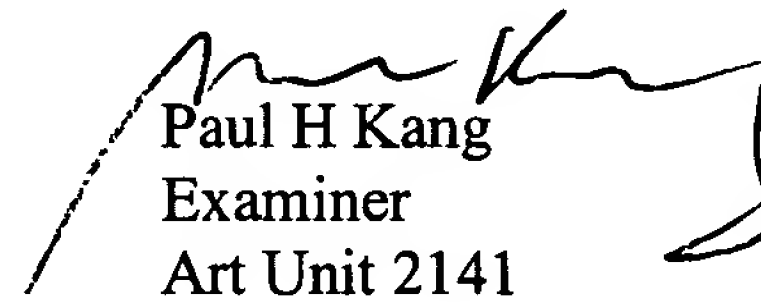
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul H Kang/
Examiner
Art Unit 2141